

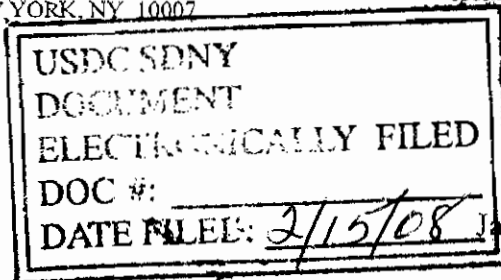
MEMO ENDORSED



MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

JEFFREY A. DOUGHERTY  
Special Assistant Corporation Counsel  
Room 3-126  
Telephone: (212) 788-8342  
Facsimile: (212) 788-9776  
[jdougher@law.nyc.gov](mailto:jdougher@law.nyc.gov)



January 17, 2008

**BY FACSIMILE**

The Honorable James C. Francis IV  
United States Magistrate Judge, Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 1960  
New York, New York 10007-1312

Re: Abdell, et al., v. City of New York, et al. 05 CV 8453 (RJS) (JCF)

Dear Judge Francis:

Pursuant to Rule 37(b) of the Federal Rules of Civil Procedure, defendants move to dismiss the emotional distress claims of plaintiff Katherine Poe. On April 4, 2007, Your Honor issued an order that Poe "shall produce . . . authorizations [for her 2004 treatment at the Renfrew Center] no later than April 16, 2007, failing which [her] emotional distress claims shall be summarily dismissed."<sup>1</sup> To date, Poe has not provided the required authorizations or releases. Accordingly, her emotional distress claims should be dismissed with prejudice. //

Respectfully submitted,

Jeffrey A. Dougherty

cc: Michael L. Spiegel, Esq.

<sup>1</sup> A copy of Your Honor's April 4, 2007 Order is attached as Ex. A.

2/14/08  
Application granted.

SO ORDERED.